REMARKS

This is a full and timely response to the Final Office Action dated May 10, 2006. A petition to extend the time for this response accompanies this submission.

Entry of this amendment under 37 C.F.R. §1.116 is respectfully solicited, in that it cancels claims 4 and 8, amends claim 1 to include the subject matter of claim 8, and amends claim 9 by including the subject matter of claim 1, while retaining claims 5 to 7. The subject matter of claims 1 to 3, 5 to 7, and 9 was previously considered, so no new matter or new issues are presented sufficient to refuse entry of this amendment.

Rejection of Claims 1 to 7 as unpatentable over Nakagawa EP 0/851 422 in view of Elberbaum US 6,62,338

The statement of the rejection does not indicate an important element of a rejection using a combination to reject claims; that is, there is no argument on the motivation or impetus to make the combination proposed by the examiner. At no time in the reliance on the alleged combination did the examiner recite facts, or make a factual finding as to why Nakagawa should be modified by Elberbaum without reference to the Applicant's disclosure. See MPEP §2141 generally at point II (B) indicating that the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. Because this record at Final Action is deficient in not making this specific finding, a new non-final action should be provided. See also MPEP §2142 and especially MPEP §2143.01(I).

To be sure, the Final Action had indicated in the first full paragraph on page 4 of the Final Action that "...it would have been obvious to one of ordinary skill in the art at the time of the invention to use the camcorder system, as disclosed by Nakagawa, and incorporate rotary shafts to allow for movement of the camera, as disclosed by Elberbaum et al." This is a conclusion resulting from the combination, if proper, rather than a finding of motivation or suggestion to make the combination.

Still further, the "obviousness" finding of the combinations applied to claims 1 to 7, and no finding of motivation for the factual bases of the rejections of claims 8 and 9 are presented in the rejection.

It may be noted that the Response to Arguments recognized that the Applicant's prior argument urged that the combination, if proper, did not teach all of the limitations of the claims. It is assumed that the response to arguments is proper for this purpose.

It is viewed as an oversight that claims 8 and 9 are not included in the listing at the top of page 3 where claims 1 to 7 are rejected, in that findings as to the limitations of claims 8 and 9 are included at pages 6 and 7.

Claim 1 is amended to include the subject matter of claim 8, while claim 8 is canceled.

In view of this amendment, to the extent that the rejection may possibly apply to amended claim 1, the motivation argument is herein repeated as if fully presented here. In addition, amended claim 8 is patentable for the combination as presented in the amended claim.

Claim 1 had been amended to recite a camcorder main body having an internal sub-chassis, wherein said base plate assembly is mounted on said sub-chassis, and that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft. Support for the subject matter recited in claim 1 can be found variously throughout the specification and drawings, for example at page 15, lines 6-29 of the specification and in Fig. 1. Amended claim 1 now includes the subject matter of now-cancelled Claim 8 that recited that the base plate assembly rotates about said pair of axial shafts so that said base plate assembly is inclined a first direction when the camcorder main body is inclined in a second direction, wherein said first direction is a direction inverse to said second direction. Support for the amended subject matter recited in former claim 8 can be found variously throughout the specification, for example at page 17, lines 21-29 of the specification.

To the extent that the rejection of claims 1 to 7 as mentioned with the factual finding as to claim 8 may possibly be considered to apply to amended claim 1, it fails to indicate a finding as to the reason that Nakagawa and Elberbaum should be combined without a hindsight benefit from the Applicant's specification to reach the subject matter of amended claim 1.

Rejected claim 4 is canceled.

Without necessarily agreeing with or acquiescing in a statement of the rejection of claim 4 in light of the arguments as to the rejection of claims 1 to 7 as stated above, nevertheless claim 4 is canceled without prejudice or disclaimer.

Claim 9 is amended to include the subject matter of its base claim 1

As such, claim 9 is submitted to be allowable for the same line of reasoning presented above, as to amended claim 1 with canceled claim 8. That is, there is no motivation finding presented as to claim 9.

The subject matter of Claim 9 adds to the inclusion of its base claim 1 the recitation that the first portion of said base plate assembly is located below said pair of rotary shafts so that said base plate assembly freely rotates about said pair of rotary shafts to preserve a constant posture based on the position of the center of gravity of said base plate assembly relative to said pair of rotary shafts. Support for the subject matter recited in claim 9 can be found variously throughout the specification, for example at page 17, lines 21-29 and page 18, lines 18-31 of the specification.

In the statement of the rejection at page 6 and 7, it purports to find that Nakagawa meets the limitations of former claim 9, but fails to make a finding of why the combination should be made.

Claims 5 to 7 are Retained; Reconsideration is Requested.

Claim 5 to 7 are retained, and are subject to the counterargument presented with respect to the rejection of claims 1 to 7. In the absence of a proper argument of motivation or suggestion to combine the applied references, the rejections of claims 5 to 7 should be withdrawn.

Claim 5 had been amended to recite a camcorder main body; a sub-chassis internal to said main body; a base plate being secured to the sub-chassis of said camcorder main body via a damper, wherein said base plate is fitted with a turn table for rotating an optical disc; wherein said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts and wherein said optical disc is further provided with a skew sensor for detecting skew and a skew correcting mechanism for rotating said sub-chassis in an axial direction about each rotary axial shaft to cancel the skew in accordance with an output from the skew sensor. Support for the

subject matter recited in claim 5 can be found variously throughout the specification and drawings, for example at page 15, lines 6-29 of the specification and in Fig. 1.

In summary of the prior arguments, incorporated herein as if incorporated by reference, each of amended claims 1 and 9 recite that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft. Claim 5 recites that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts.

Nakagawa discloses a disk recording apparatus having a balanced type biaxial actuator that is designed to slide along a shaft 52. The shaft 52 is fastened to a base 51 and is parallel to the lateral direction (z-direction) and round bobbin to which the objective lens 25 is fixed. Further, the manner in which the round bobbin 53 is attached to the shaft 52 enables the objective lens 25 to be slidable on the shaft 52 in the z-direction and rotatable in the longitudinal direction. Magnets 56a and yokes 57a are fastened to the base 51 to form a magnetic circuit, which provides the capability for focusing and tracking adjustment of the objective lens 25.

The earlier Office Action acknowledges that *Nakagawa* fails to disclose, teach, or suggest at least that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in amended claims 1 and 9, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5. Why one of skill would modify that feature or *Nakagawa* remains unclear

Elberbaum discloses an electric motor in a direct drive positioning device having a slip ring assembly. In Fig. 1, *Elberbaum* teaches a camera apparatus having a dome-shaped enclosure 3, a base plate 4 that is fixedly attached to the upper portion of the enclosure 3, a panning motor 2 fixedly attached to the surface of the base plate 4, a camera holder bracket 7 attached to a rotor 14 of the panning motor 2 to be rotatable about a horizontal axis H that extends through the center of the base plate 4 and orthogonal to the base plate 4.

Elberbaum, however, fails to disclose, teach, or suggest at least that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in claims 1 and 4, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5.

The Response to Arguments at page 2 of the Final Action are acknowledged with appreciation. However, it remains that the pending claims as amended or reargued are patentable over any proper combination of the references.

In summary, *Nakagawa* and *Elberbaum* either singly or combined fails to disclose, teach, or suggest at least that that each of said rotary shafts is individually attached to opposite ends of said sub-chassis along a longitudinal axis so that said sub-chassis is swingably attached along a longitudinal axis of said pair of rotary shafts and said base plate assembly rotates axially about each rotary shaft, as recited in claims 1 and 9, and that said base plate, said optical pickup system, and said seek operation mechanism are swingably mounted about said sub-chassis along a longitudinal axis of said pair of rotary shafts, as recited in claim 5. At best, the combined references teach a base plate 4 is fixedly attached to an upper portion of a camera enclosure. Accordingly, a *prima facie* case for obviousness has not been established in the absence of a finding regarding the motivation or suggestion to combine, even assuming that the findings in the response to arguments are apt.

Conclusion

Based on at least the foregoing amendments and remarks, Applicant submits that claims 1 to 3, 5 to 7 and 9 as now presented (where claims 1 and 9 are amended, are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number listed below.

Applicant believes no fee other than an extension fee is due with this response. However, if any other fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-1900 from which the undersigned is authorized to draw.

Dated: August 21, 2006

Respectfully submitted,

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